

Docket No.: 57454-162

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yukio MAKI

Serial No.: 09/909,975

Filed: July 23, 2001

For: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD OF THE
SAME

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Group Art Unit: 2811

Examiner: Thien Tran

#10
Reg for
Recon.
J. McCullon
10/8/02

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, DC 20231

Sir:

Reconsideration of the rejections imposed in the Office Action dated June 30, 2002 is respectfully solicited in light of the following Remarks.

REMARKS

Claims 1, 3 and 4 were rejected under 35 U.S.C. §102 for lack of novelty is evidenced by Hashimoto et al.

In the statement of the rejection, the Examiner referred to Fig. 1, asserting the disclosure of a semiconductor device identically corresponding to that claimed. This rejection is traversed as factually erroneous.

The factual determination for lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention such that the identically claimed invention is placed into the recognized possession of one